

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GENESIS MARINE, LLC

Plaintiff,

v.

SGR ENERGY, INC.

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:21-cv-00289

PLAINTIFF'S APPLICATION FOR WRIT OF EXECUTION

Plaintiff Genesis Marine, LLC (“Genesis”) files this Application for Writ of Execution against Defendant SGR Energy, Inc. (“SGR”) pursuant to Federal Rule of Civil Procedure 69 and respectfully show as follows:

I.

1. On September 8, 2021, this Court entered a final, valid Consent Judgment in favor of Genesis and against SGR for the amount of \$2,461,996.03, plus 5% interest from March 16, 2021 until September 8, 2021 and any additional interest owed until the judgment is paid in full.¹ After more than 30 days had passed from this Court’s execution of the Consent Judgment, Genesis obtained a certified copy of the Consent Judgment and recorded it in the real property records of Harris County, Texas. The Consent Judgment is also currently being recorded in Polk County, Texas. As of February 10, 2022, the entire balance of the judgment plus all accrued interest remains outstanding.

2. Genesis’ investigations have revealed that SGR maintains a bank account at Texas Bank and Trust Company. Additionally, Genesis’ investigations have revealed that SGR is the

¹ See **Exhibit A**, Consent Judgment; the Consent Judgment also grants Genesis “all reasonable past, present, and future expenses, costs, and attorneys’ fees associated with the collection of” the judgment, which Genesis will attempt to procure in a later Motion for Attorneys’ Fees and Assessment of Costs.

100% sole owner of non-exempt real property, ABST 36 B J HARPER SURVEY TRACT 101-B, located in Polk County, Texas at 237 De Shazo Rd., Livingston, Texas 77351. Furthermore, Genesis' investigations have revealed that SGR is the 100% sole owner of non-exempt business property, including machines, equipment, and supplies, located in Polk County, Texas at 10311 U.S. Highway 59 N, Livingston, Texas 77351. Because SGR has failed to satisfy the Consent Judgment, Genesis now seeks a Writ of Execution.

II.

3. When a money judgment is entered against a judgment debtor, a judgment creditor can enforce the judgment with a Writ of Execution. Fed. R. Civ. P. 69(a)(1). The procedure used to execute on a judgment must be in accordance with the laws of the state where the court is located, but a federal statute governs to the extent it applies. *Id.* Because this Court entered a Consent Judgment against SGR, the laws of the State of Texas apply to the extent they do not conflict with a federal statute.

4. Pursuant to Texas Rule of Civil Procedure 622, the Clerk of the Court "shall issue execution to enforce [final] judgment and collect such costs." Tex. R. Civ. P. 622. Texas Rule of Civil Procedure also requires the execution to be addressed to "any sheriff or any constable within the State of Texas." Tex. R. Civ. P. 622. However, 28 U.S.C. § 566(c) requires the United States Marshals Service to levy and execute the Writ. 28 U.S.C. § 566(c) ("Except as otherwise provided by law or Rule of Procedure, the United States Marshals Service shall execute all lawful writs, process, and orders issued under the authority of the United States, and shall command all necessary assistance to execute its duties.").

5. Here, Genesis obtained a Consent Judgment against SGR in the amount of \$2,461,996.03, plus 5% interest from March 16, 2021 until September 8, 2021, and any additional

interest owed until the judgment is paid in full.² SGR has made no attempt to pay the Consent Judgment. Genesis has reason to believe, and does believe, that Defendant has non-exempt property subject to execution, as stated above. Genesis, therefore, requests that the Court enter the attached order directing the Clerk of the Court to sign the Writ of Execution.

III.

For the foregoing reasons, Plaintiff asks that this Court grant its Application for a Writ of Execution, and grant Plaintiff such other and further relief, at law and equity, to which they may be entitled.

Respectfully submitted,

PHELPS DUNBAR LLP

BY: /s/ Evans Martin McLeod
Evans Martin McLeod, Fed ID 411950
Canal Place | 365 Canal Street, Suite 2000
New Orleans, Louisiana 70130
Telephone: 504 566 1311
Facsimile: 504 568 9130
Email: marty.mcleod@phelps.com

**ATTORNEY-IN-CHARGE FOR
GENESIS MARINE, LLC**

OF COUNSEL:

PHELPS DUNBAR, LLP

Justin C. Warner, Fed. ID 3326606
Arthur R. Kraatz, Fed. ID 2895505
365 Canal Street, Suite 2000
New Orleans, LA 70130
Telephone: (504) 56601311
Facsimile: (504) 568-9130
Email: justin.warner@phelps.com
arthur.kraatz@phelps.com

² See Ex. A.

CERTIFICATE OF SERVICE

I certify that on this 15th day of February, 2022, a true and correct copy of the foregoing instrument has been served upon all counsel of record via CM/ECF.

/s/ E. Martin McLeod
Of Phelps Dunbar, LLP